

REMARKS

Applicants have carefully reviewed the Office Action mailed March 20, 2006. Claims 1, 2, 18, 19, and 27 are amended and claims 30 and 31 added. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

No *Prima Facie* Case of Obviousness

1. In the Office Action on pages 4-8 in section 3, claims 1-11, 16-21, and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0191846 to Crinon et al. (hereinafter Crinon) in view of U.S. Patent No. 6,490,319 to Yang (hereinafter Yang). Further, in the Office Action on pages 8-10 in section 4, claims 12-15, 22-24, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crinon in view of Yang, and further in view of U.S. Patent No. 5,990,957 to Ryoo (hereinafter Ryoo). In addition, on pages 2-4 in section 1, the Office provided responses to the remarks in the Amendment filed June 20, 2006. The Applicant respectfully traverses the rejections.

Claim 1 has been amended to more clearly recite the invention. As amended, claim 1 recites a “method for encoding a video sequence having a plurality of frames, said video sequence comprising a background composite and foreground regions, comprising the step of: encoding said video sequence based on balancing bits per pixel for said background composite once per said video sequence with bits per pixel for said foreground regions on a per frame basis to achieve similar quality between the background composite and the foreground regions in a reconstructed video sequence.”

In rejecting claim 1, the Office Action aligns Crinon with the recited “method for encoding a video sequence, said video sequence comprising a background composite and

foreground regions, comprising the step of: encoding said video sequence.” As recognized by the Office, Crinon fails to teach “encoding said video sequence based on balancing bits per pixel for said background composite with bits per pixel for said foreground regions to achieve similar quality between the background composite and the foreground regions in a reconstructed video sequence.” To overcome the deficiencies of Crinon, the Office Action relies on Yang. The combination proposed by the Office Action fails to set forth a prima facie case of obviousness for at least the following reason.

Yang fails to teach “encoding said video sequence based on balancing bits per pixel for said background composite once per said video sequence with bits per pixel for said foreground regions on a per frame basis.” Yang does not balance bits for a background composite once during a video sequence while balancing bits for foreground regions on a per frame basis. Instead, Yang balances bits between the background and the foreground on a per frame basis. Yang, column 2, lines 38-39; column 3, lines 33-42; column 5, lines 23-26. Yang does not balance bits for the background once during the video sequence while balancing bits for the foreground on a per frame basis. Thus, Yang fails to teach “encoding said video sequence based on balancing bits per pixel for said background composite once per said video sequence with bits per pixel for said foreground regions on a per frame basis.” Further, Crinon and Ryoo fail to overcome the deficiencies of Yang. Therefore, claim 1 is allowable over the combination of Crinon and Yang.

Claims 2-17 are dependent from claim 1 and are allowable as being dependent from an allowable claim.

Claims 18 and 19 recite similar subject matter to that recited in claim 1 and are, thus, allowable for similar reasons.

Claims 20-26 are dependent from claim 19 and are allowable as being dependent from an allowable claim.

Claim 27 recites similar subject matter to that recited in claim 1 and is, thus, allowable for similar reasons.

Claims 28-29 are dependent from claim 27 and are allowable as being dependent from an allowable claim.

Added Claims

2. Claims 30 and 31 are added. Claim 30 is an independent claim, recites similar subject matter to that recited in claim 1, and is, thus, allowable. Claim 31 is dependent from claim 30 and is allowable as being dependent from an allowable claim.

THEREFORE, because all rejections have been overcome, it is submitted that claims 1-31 are allowable, and such allowance is requested.

Respectfully submitted,



Michael A. Sartori, Ph.D.
Registration No. 41,289
Venable LLP
575 7th Street, NW
Washington, DC 20004
Phone: 202-344-4004
Fax: 202-344-8300

Date: December 14, 2006

DC2-810997